REMARKS/ARGUMENTS

Claims 1-8, 10, 12-13, 15 and 17-25 are pending.

Claims 9, 11, 14 and 16 have been cancelled.

Claims 26-29 have been added.

In the Office Action dated April 16, 2009, claims 1, 12, 20, 23 and 24 were rejected under 35 U.S.C. § 102(e) as anticipated by Bae (U.S. Patent Publication No. 2002/0181410); claims 2-11, 21, 22 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bae in view of Chen (U.S. Patent No. 7,155,236); claims 13, 14 and 17-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bae in view of Ahn (U.S. Patent Publication No. 2003/0060203) and claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bae in view of Anh and further in view of Chen.

Claim 1 recites a method for use in a wireless communications network comprising:

- communicating data with plural mobile stations over a wireless link; and
- sending a broadcast message to the plural mobile stations, the broadcast message containing an indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link, wherein the broadcast message further includes a particular data rate that is to be used by the plural mobile stations over the reverse wireless link.

As purportedly disclosing sending of the broadcast message as recited in claim 1, the Office Action cited the following passages of Bae: ¶ [0008], ln. 13-21; ¶ [0021]. The cited passage in ¶ [0008] of Bae refers to broadcasting a reverse activity bit (RAB), which can have either a binary value 0 or a binary value 1. *See* Bae, ¶ [0011]. If RAB has binary value 0, then that causes a reverse data rate to be increased. On the other hand, if RAB has binary value 1, then that causes the reverse data rate to be reduced. RAB as used in Bae is thus an indicator to a mobile station to increase or decrease the data rate. However, RAB does not actually specify any particular data rate, which is different from the subject matter of claim 1, where the broadcast message includes a particular data rate that is to be used by the plural mobile stations over the reverse wireless link.

In view of the foregoing, it is clear that claim 1 is not anticipated by Bae.

Independent claims 20 and 26 are similarly allowable over Bae.

REJECTION UNDER 35 U.S.C. § 103 OVER BAE AND CHEN.

Claim 10 has been amended from dependent form to independent form. Claim 10 was rejected as purportedly obvious over Bae and Chen.

It is respectfully submitted that claim 10 is non-obvious over Bae and Chen.

To make a determination under 35 U.S.C. § 103, several basic factual inquiries must be performed, including determining the scope and content of the prior art, and ascertaining the differences between the prior art and the claims at issue. *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 U.S.P.Q. 459 (1965).

With respect to claim 10, the Office Action conceded that Bae fails to disclose sending a broadcast message to cause the plural mobile stations to set respective data rates to a value less than or equal to **an autonomous data rate of each of the corresponding mobile stations**. 4/16/2009 Office Action at 5. The Office Action cited Chen as purportedly disclosing the claimed subject matter missing from Bae. Specifically, the Office Acton cited the following passages of Bae: title, column 1, ln. 17-20, column 13, ln. 45-51, 66-67; Figs. 5, 7, 8.

The title notes that Chen is related to scheduled and autonomous transmission and acknowledgement. The column 1 passage cited by the Office Action states that the purported invention of Chen relates generally to a scheduled and autonomous transmission and acknowledgement. The cited column 13 passage of Chen states that an autonomous reverse link transmission mode is supported, where the mobile station may transmit data at a limited rate on a reverse link without making a request or waiting for a grant. Moreover, the cited column 13 passages state that individual and common grants are provided. Figs. 5, 7 and 8 illustrate various examples associated with the autonomous transmission mode discussed in Chen.

However, nowhere in Chen is there any hint of sending a broadcast message to cause the plural mobile stations to set respective data rates to a value less than or equal to an autonomous data rate of each of the corresponding mobile stations. As discussed in

column 27 of Chen, the common grant that is sent to a group of mobile stations can include a payload, a mobile station ID, and a R-ESCH TP. Chen, 27:38-45. However, there is absolutely no indication that the common grant provided to a group of mobile stations causes the plural mobile stations to set respective data rates to a value less than or equal to an autonomous data rate of each of the corresponding mobile stations.

Therefore, it is respectfully submitted that claim 10 is non-obvious over Bae and Chen since the hypothetical combination of the references would not have led to the claimed subject matter.

Independent claim 21 is similarly allowable over Bae and Chen.

REJECTION UNDER 35 U.S.C. § 103 OVER BAE AND AHN

Independent claim 13 was rejected as purportedly obvious over Bae and Ahn. With respect to claim 13, the Office Action conceded that Bae does not disclose the last clause of claim 13:

> the identifier set to a first value to uniquely identify one of the plural mobile stations, and the identifier set to a predetermined value to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link.

The Office Action argued that the following passages of Ahn disclose the subject matter in the last clause of claim 13: ¶ [0039], ln. 17-25; claim 2; ¶¶ [0017], [0018], [0022]-[0025]. The cited passage in ¶ [0039] of Ahn states that active mobile stations are uniquely identified by index values 0, 1, 2, and 3, and new reverse rate limits are based on generated weights. Claim 2 of Ahn states that at least one reverse rate limit message is transmitted when an index used to uniquely identify each of the at least one mobile station indicates a value greater than a predetermined index value.

Paragraphs [0017]-[0018] of Ahn refer to determining a reverse rate and calculating secondary reverse rate limits for mobile stations using weights. Paragraphs [0022]-[0025] of Ahn refer to calculating a secondary reverse rate limit by imposing a primary reverse rate limit on a weight. However, there is no teaching in the cited passages of Ahn that provide any hint of setting an identifier of a grant message to a first value to uniquely identify one of the plural mobile stations, and to a predetermined value

to provide a broadcast indication for indicating to the plural mobile stations that the mobile stations are to change data rates for transmissions over a reverse wireless link.

Since the hypothetical combination of Bae and Ahn would not have led to the claimed subject matter, it is respectfully submitted that claim 13 is non-obvious over Bae and Ahn.

CONCLUSION

Dependent claims, including newly added dependent claims 27-29, are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, the obviousness rejections of dependent claims have been overcome.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (16634RRUS02U).

Respectfully submitted,

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